

CHARLES H. JUNG (SBN 217909)
MICHAEL P. DILLINGHAM (SBN 244086)
NASSIRI & JUNG LLP
251 Kearny Street, Suite 501
San Francisco, CA 94108
Telephone: (415) 373-5699
Facsimile: (415) 534-3200
cjung@nassiri-jung.com

Attorneys for Defendant
XIAOBING SUN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SHORELINE CAPITAL MANAGEMENT,
LTD., a British Virgin Islands Company
limited by shares,

Plaintiff,

vs.

XIAOBING SUN, an individual,

Defendant.

Case No. 5:08-cv-00121-JW

DECLARATION OF XIAOBING SUN
IN SUPPORT OF OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION AND SUBJECT
MATTER JURISDICTION

1 I, Xiaobing Sun, declare:

2
3 1. I have personal knowledge of the facts set forth herein, and if called as a witness
4 would and could testify competently thereto.

5 2. Beginning in November 2006, Mr. Fanger recruited me from the Graduate School
6 of Business at the University of Chicago. Promising partnership and a permanent position,
7 Fanger guaranteed me a prominent place at Shoreline.

8 3. Shoreline and Fanger guaranteed me long-term employment, and convinced me to
9 abandon my degree program, and uproot my life to move back to China. Shoreline and Fanger
10 rushed me into signing an "offer letter."

11 4. Despite stating in the letter that I would first experience a "trial period" at
12 Shoreline, Mr. Fanger assured me that my employment was guaranteed. Promising much greater
13 pay in the future, Shoreline offered an initial salary of only about 10,000 RMB a month.

14 5. I quit the University of Chicago and moved to China with the expectation of
15 permanent employment.

16 6. On April 5, 2007, my mother was diagnosed with Ovarian Cancer. My mother had
17 surgery to try to remove her cancer on April 15, 2007.

18 7. The doctor used a "CA125" test to evaluate cancer growth. A higher CA125 result
19 means that the cancer patient is worse off. My mother's doctor told me that a "normal" CA125 is
20 lower than 35.

21 8. Attached as Exhibit A is a true and correct copy of the doctor's diagnostic memo,
22 which shows my mother's CA125 test results.

23 9. On April 12, 2007 before her surgery, my mom's CA125 was 1,110.

24 10. On May 8 2007, after her surgery and first chemical therapy, her CA125 dropped
25 to 285.

26 11. On September 4, 2007, my mother's CA125 was 84.

27 12. On October 8, her CA125 rose to 149.

28 13. On November 7, 2007, my mother's CA125 rose to 151.

1 14. And on December 3, 2007, it rose again to 211.

2 15. I became so worried that I asked for further diagnosis at one of the best hospitals
3 in China—Beijing Union Medical College Hospital. My mother was seen at that hospital on
4 December 17, December 26 and January 17. The doctors confirmed that her first surgery was not
5 successful.

6 16. The doctors warned that my mother needs a second surgery as soon as possible.

7 17. On January 22, 2008 my mother's CA125 increased to 494

8 18. I am my mother's only child, and I must stay in China indefinitely to care for her.
9 My father cannot adequately care for my mother because he is seventy years old, and sick with
10 heart disease.

11 19. I have lived in China since March 2007. I established an abode at HuangPu Street
12 in Guangzhou, China from March 2007. When my mother fell ill, I established an abode in her
13 home on Hongqi South Street in Tianjin China. I have maintained an apartment at Qijaia Drive in
14 Beijing, China since April 2006. I allowed my mother-in-law, Yazhao Wang, to live there in
15 2007. In August 2007, when it became apparent to me that I would need to remain in China to
16 take care of my mother, I asked my mother-in-law to move from my apartment. I needed to live
17 at that abode with my mother because she receives treatment in Beijing, which is about 80 miles
18 from Tianjin. In August 2007, I intended to remain in China indefinitely. I still intend to remain
19 in China indefinitely.

20 20. I applied for citizenship in January 2007, before my mother was diagnosed with
21 cancer and before I received an offer from Shoreline. I wanted to receive citizenship because
22 both of my sons were born in the United States, and because I was enrolled in school in the
23 United States at the time.

24 21. In June 2007, I returned from China briefly so that I could conduct my citizenship
25 interview. My interviewer knew that I was coming from China and that I was taking care of my
26 mother after her cancer surgery. The interviewer also knew that I must return to China as soon as
27 possible to take care of my mother. I returned to China after my interview.

28 22. I next returned to the United States for my swearing in ceremony in November

1 2007. I was sworn as a citizen on November 20, 2007.

2 23. Attached as Exhibit B are true and correct copies of my United States Passport and
3 Naturalization Certificate.

4 24. I began the process of selling my car, my furniture and dissolving my business in
5 November 2007.

6 25. I dissolved my company of 5 years, S-Logic Corp. in December 2007.

7 26. Attached as Exhibit C is a true and correct copy of the Certificate of Dissolution,
8 signed on December 31, 2007.

9 27. I started advertising my furniture for sale in November 2007. Before this lawsuit
10 was filed, I sold my bedroom set, dining table, living room furniture, and other furniture.

11 28. I started advertising my car for sale in 2007. I sold my car on January 3, 2008,
12 before this lawsuit was filed.

13 29. Attached as Exhibit D are true and correct copies of correspondence with potential
14 buyers in response to advertisements to sell my furniture and car.

15 30. I booked my return flight to China on January 2, 2008, before this lawsuit was
16 initiated. I returned with my 16 month old son to China on January 21, 2007.


17 31. I plan to remain in China indefinitely, and I have no return ticket to the United
18 States.

19 32. Attached as Exhibit E are true and correct copies of an email from my airline
20 showing that I booked my flight to China (with no return flight to the United States) before this
21 case was initiated, and a true and correct copy of my son's ticket to China.

22 33. I have no permanent address in the United States.

23 34. My wife and I are experiencing trouble in our marriage. But she is planning to
24 move back to China in the next few weeks with my older son to live with me.

1
2 I declare under penalty of perjury that the foregoing is true and correct. Executed on
3 January 27th, 2007 in Beijing, China.



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XIAOBING SUN

EXHIBIT A

本单据仅供取病历使用

北京协和医院取病历凭证

普通门诊

病历号: 1548252 姓名: 黄菊香

科别: 肿瘤内科 医生: 白春梅

就诊时间 2007-12-17 08:00:00 上午 5

调档时间: 2007-12-17 06:52:49

流水号: 2007121700000289

姓名

吴淑珍

年龄

6

病案号

0

日期

07.12.17

1. 阴道检查	人次	14. 拆线(每针 0.80 元)	人次
2. 肛查	人次	15. 换药(大、中、小)	人次
3. 三合诊	人次	16. 宫颈扩创术	人次
4. 阴道冲洗	人次	17. 后穹窿穿刺或盆腔内穿刺	人次
5. 会阴冲洗	人次	18. 宫颈糜烂上药	人次
6. 阴道上药	人次	19. 产科复诊	人次
7. 阴道填纱	人次	20. 妇产科多普勒检查	人次
8. 宫颈刮片	人次	21. 骨盆测量	人次
9. 宫颈火烫	人次	22. 胎心外电子监护	人次
10. 滴虫镜下检查	人次	23. 一次性阴道扩张器	人次
11. 霉菌镜下检查	人次	24. 溃疡油纱(6×7cm)	块
12. 肌肉注射	人次	25. DG 缝线	个
13. 导尿(一次性尿管、导尿包另收)	例	26. S-100 止血绫(复合型)	个

医师

全颖

第 1 页

北京协和医院体检中心

“健康体检中心”于2005年正式成立。它是协和医院众多的临床科室之一;与其他科室根本的“健康中心”服务对象是身体健康人群。通过为健康人群实施定期、全面的体格检查,可以建立获得有利于健康的生活和工作方式的指导;对于危害健康的疾病早期发现、早期治疗。

院于1921年,是我国现代医学的发源地,是目前我国的临床疑难重症诊治中心。它是“健康和后盾,它是“健康体检中心”的质量保障。

“健康体检中心”服务特点:

北京协和医院聚集了一大批医术精湛、医德高尚的医学人才,他们临床经验丰富、专业严谨。在完成为病人诊治工作的同时,轮流参加“健康体检”工作,用他们丰富的经验和提供科学、周到和高质量的体检服务。

进:在“健康体检”中,应用的是国际先进水平的放射、B超、检验等设备,保证了各种检验结果报告亦由各专科出具。

体检结果和发现异常的报告均由临床专家复核审查,保证了报告的准确性和质量。体检结论受检者个人或单位。

(接底页)

请勿写过此线

07-12-17 坤内。

卵巢C 术后8月。术后侵犯

07.4.17 手术。病理:右卵巢浆液性囊腺瘤伴乳头状结构。伴左卵巢。2枚(5cm)及大网膜转移。淋巴结2/13。

右卵巢管4小时支持。

BR(+). PR(+). CK-7(+). VEGF(+).

术后化疗: 紫杉 + CX

180mg 200mg

CA15 由术前 1100 降至 285 \rightarrow 6.2 \rightarrow 211.58CA199 由术前 797 \rightarrow 3.95 (目前)

随访中

医疗机构名称:

科

就诊日期:

年 月 日 时 分

结肠癌术后及卵巢囊肿切除术术后随访
 结合术前及术后检查结果及影像学检查

术后IP随访检查: CA15: 术前: 1110 u/ml. (07-4-12)

术后随访: 2007-10: 2007-5-8 285.5 u/ml

2007-7-4 103.3 u/ml. ↑

2007-8-6 62.05 u/ml. ↑

2007-9-4 84.6 u/ml. ↑

2007-10-8 148.24 u/ml. ↑

2007-11-7 151.6 u/ml.

↑ 2007-12-3 211.58 u/ml.

CA199 3.95 u/ml

2007-12-26. BUS: 腹部超声(-)

子宫右侧附件区 - 考虑子宫肌瘤 (2.7 × 2.9 cm)

子宫左侧附件区 (1.4 × 1.1 cm)

盆腔积液 (子宫后方 0.65 cm)

盆腔淋巴结肿大。

2007-12-26. PET: 盆腔淋巴结肿大及盆腔积液。

医疗机构名称:

科

就诊日期:

年 月 日 时 分

既往: 无药物过敏史。

2007-12-3 BUS: 子宫附件区

子宫右侧附件区 (1.5 × 1.9 cm)

2007-11-7: 子宫附件区 1.5 × 1.9 cm.

W

一般状况良好。双肺野清晰。心脏正常。

2007-11-7

332. 332.

332. 332. 1200 差。

332. 332.

2007-12-26. BUS: 子宫附件区

子宫右侧附件区 (1.5 × 1.9 cm)

子宫左侧附件区 (1.4 × 1.1 cm)

盆腔积液 (子宫后方 0.65 cm)

盆腔淋巴结肿大。

编号: 00048637

病理标本号: _____

此条撕下务必贴在标本瓶上

北京协和医院

(第二页)

病理标本号 H51568

病理标本检查报告单

标本送检日期: 2008 年 1 月 17 日

病案号: 0

病人姓名: 吴淑珍 性别: 女 年龄: 64 科别: 妇 病室: 2

临床诊断: 卵巢交界性肿瘤术后

标本来源: 盆腔肿物切除

注意: 以上各项内容请临床科医生填写清楚

大体标本检查:

天津肿瘤医院

28834 x4

正

病理诊断:

(临床有卵巢癌病史)

结肠粘膜下及肌层内有低级别腺癌浸润, 结合病史符合转移性低级别浆液性腺癌。

报告日期: 2008.1.17 报告医师: 李树

主: - 腹中 浅表 LVI (-) 10 前已万例 II° sm 纤维
双肺浅 腹中 胀痛 脾脏 双下肺无肺

次: 小病 10 前

2. 妇科 10 前

07-12-17 妇科 65Y G2P1 既往 13 年
10 前 07-12-03 13 年 10 前 10 前 10 前
宫径 16x5.4x4.6
宫径 10 前 10 前 10 前

请勿写过此线

中国医学科学院
中国协和医科大学

北京协和医院

北京市医疗机构临床检验结果报告单

姓名 吴淑琴	样品种类 血	诊 断	病案号
年 龄	采样时间	科 别 妇科门诊	样品号 5056
性 别	送检时间 2008.01.22 10:22	送检项目 血清 CA125	申请医师

项目	中文名称	结果	标记	参考值
1 CA125	癌抗原 125	494.4	U/ml H	<35

EXHIBIT B

4355409323USA7211254M1711280059615781<30/860

UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY



NATURALIZATION

No. 31047548

Personal description of holder
as of date of naturalization:

Date of birth: NOVEMBER 25, 1972

Sex: MALE

Height: 5 feet 9 inches

Marital status: MARRIED

Country of former nationality:

CHINA, PEOPLE'S REPUBLIC OF

CIS Registration No.

A079534647

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Xiaobing Sun

(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Secretary of
Homeland Security

at: SAN FRANCISCO, CALIFORNIA

The Secretary having found that:

XIAOBING SUN

then residing in the United States, intends to reside in the United States when so
required by the Naturalization laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and
was entitled to be admitted to citizenship, such person having taken the oath of
allegiance in a ceremony conducted by the

US CITIZENSHIP AND IMMIGRATION SERVICES

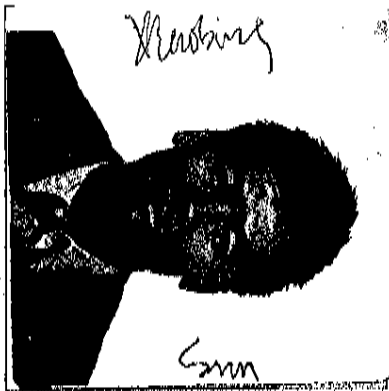
at: SAN FRANCISCO, CALIFORNIA

on:

NOVEMBER 20, 2007

that such person is admitted as a citizen of the United States of America.

Director, U.S. Citizenship and Immigration Services

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE
WITHOUT LAWFUL AUTHORITY.

Xiaobing Sun

DEPARTMENT OF HOMELAND SECURITY

EXHIBIT C



State of California Secretary of State

DISS STK

DOMESTIC STOCK CORPORATION CERTIFICATE OF DISSOLUTION

There is no fee for filing a Certificate of Dissolution.
IMPORTANT – Read instructions before completing this form.

This Space For Filing Use Only

CORPORATE NAME (Enter the name of the domestic stock corporation exactly as it is of record with the California Secretary of State.)

1. Name of corporation
S-Logic

REQUIRED STATEMENTS (The following statements are required by statute and should not be altered.)

2. a) A final franchise tax return, as described by Section 23332 of the Revenue and Taxation Code, has been or will be filed with the Franchise Tax Board, as required under Part 10.2 (commencing with Section 18401) of Division 2 of the Revenue and Taxation Code.
b) The corporation has completely wound up.
c) The corporation is dissolved.

DEBTS & LIABILITIES (Check the applicable statement. Note: Only one box may be checked.)

3. ☐ The corporation's known debts and liabilities have been actually paid.
☐ The corporation's known debts and liabilities have been paid as far as its assets permitted.
☐ The corporation's known debts and liabilities have been adequately provided for by their assumption and the name and address of the assumer is _____
☐ The corporation's known debts and liabilities have been adequately provided for as far as its assets permitted.
(Specify in an attachment to this certificate (incorporated herein by this reference) the provision made and the address of the corporation, person or governmental agency that has assumed or guaranteed the payment, or the name and address of the depository with which deposit has been made or other information necessary to enable creditors or others to whom payment is to be made to appear and claim payment.)
☒ The corporation never incurred any known debts or liabilities.

ASSETS (Check the applicable statement. Note: Only one box may be checked.)

4. ☐ The known assets have been distributed to the persons entitled thereto.
☒ The corporation never acquired any known assets.

ELECTION (Check the "YES" or "NO" box, as applicable. Note: If the "NO" box is checked, a Certificate of Election to Wind Up and Dissolve pursuant to Corporations Code section 1901 must be filed prior to or together with this Certificate of Dissolution.)

5. The election to dissolve was made by the vote of all the outstanding shares. ☒ YES ☐ NO

VERIFICATION & EXECUTION (If additional signature space is necessary, the dated signature(s) with verification(s) may be made on an attachment to this certificate. Any attachments to this certificate are incorporated herein by this reference.)

6. The undersigned constitute(s) the sole director or a majority of the directors now in office. I declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

12/31/2007

Date

Signature of Director

Xiaobing Sun

Type or Print Name of Director

Signature of Director

Type or Print Name of Director

Signature of Director

Type or Print Name of Director

EXHIBIT D

Charles Jung

From: Dee Wu [slphj_di@yahoo.com]
Sent: Tuesday, November 27, 2007 6:28 PM
To: carmelita trujillo
Subject: Re: King size bed room set - complete 7 pieces - pine wood - \$630 (fremont / union city / newark)

Sorry, we were out of town for a few days. why don't you call us then come to our house to take a look.
510-791-2196

carmelita trujillo <trujillo5g1b@yahoo.com> wrote:

Dear Dee Woo,

Thank you for considering my offer. I would love to accept but for \$500. I had an unexpected expense this weekend. If not I do understand.

I wish you well.

Carmelita

Dee Wu <slphj_di@yahoo.com> wrote:

If what you mean was \$550, you can get this set if you can ind a way fr pick up.
call us 510-791-2196 if you really want this
Thanks

carmelita trujillo <trujillo5g1b@yahoo.com> wrote:

**** CRAIGSLIST ADVISORY --- AVOID SCAMS BY DEALING
LOCALLY
** Avoid: wiring money, cross-border deals, work-at-home
** Beware: cashier checks, money orders, escrow, shipping
** More Info:
<http://www.craigslist.org/about/scams.html>**

Single mom, 7 children, and new to California who is trying to fill her home with nice, good quality, moderately priced furniture. This bedroom set would be my spoil! I could not afford more than \$5500.00.

Sending this out with hope, a little prayer, and remembering "All you can do is ask."

Have a good Thanksgiving!

this message was remailed to you via: sale-478857385@craigslist.org

Be a better pen pal. Text or chat with friends inside Yahoo! Mail. [See how.](#)

Be a better pen pal. Text or chat with friends inside Yahoo! Mail. [See how.](#)

Charles Jung

From: Xiaobing Daniel Sun [slphj@yahoo.com]
Sent: Friday, December 14, 2007 8:57 PM
To: JoeMGaynor@cs.com
Subject: Re: Moving sale , lots of furnitures and others.. (fremont / union city / newark)

Pls call us tomorrow around 10am, I will give u the direction. Thx.

Looking for last minute shopping deals?
Find them fast with Yahoo! Search. <http://tools.search.yahoo.com/newsearch/category.php?category=shopping>

Charles Jung

From: Xiaobing Daniel Sun [slphj@yahoo.com]
Sent: Friday, December 14, 2007 8:47 AM
To: dstomley@gmail.com
Subject: Re: dinning table(3 sizes-configuration) w/ 6 chairs,cherry finish - \$350 (fremont / union city / newark)

Yeah, it is available. call us at 510-791-2196. thx much.

Never miss a thing. Make Yahoo your home page.
<http://www.yahoo.com/r/hs>

Charles Jung

From: Dee Wu [slphj_di@yahoo.com]
Sent: Saturday, December 22, 2007 10:19 PM
To: Jkillen68@aol.com
Subject: Re: Cal king size bed w/ pillow top mattress and boxspring - \$350 (fremonts / union c

Thanks for your email. Yes it is available (I would delete the posting if the item is gone)
for any question, or if you's like to check itout, please call us 510-791-2196 or 510-331-0237
Thanks

Jkillen68@aol.com wrote:

**** CRAIGSLIST ADVISORY --- AVOID SCAMS BY DEALING LOCALLY**
**** Avoid: wiring money, cross-border deals, work-at-home**
**** Beware: cashier checks, money orders, escrow, shipping**
**** More Info: <http://www.craigslist.org/about/scams.html>**

do you still have the bed? I am very interested in it.

See AOL's [top rated recipes](#) and [easy ways to stay in shape](#) for winter.

this message was remailed to you via: sale-513756674@craigslist.org

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

Charles Jung

From: Dee Wu [slphj_di@yahoo.com]
Sent: Thursday, December 06, 2007 5:12 PM
To: entrust.andrew@att.net
Subject: Re: great condition Jeep Grand Cherokee Laredo 99 4wd, V6, for moving sale - \$8200 (fremont / union city / newark)

our #: 510-791-2196, thx for interest.

entrust.andrew@att.net wrote:

**** CRAIGSLIST ADVISORY --- AVOID SCAMS BY DEALING LOCALLY**
**** Avoid: wiring money, cross-border deals, work-at-home**
**** Beware: cashier checks, money orders, escrow, shipping**
**** More Info: <http://www.craigslist.org/about/scams.html>**

Low milage, 90k, most free way driving. moving sale.
Followed dealer scheduled maintenance.
Transmission: Automatic, Air Conditioning, Cruise Control, Roof Rack , Power Steering ,AM/FM Stereo/CD Player, Privacy Glass, Power Windows, ABS (4-Wheel), Premium Sound...
Affordable SUV w/. execllent condition for the comming ski season.
Call Dan at 510-791-2196 for details.

Hi,

Is your vehicle still available?

Thanks very much for your time and have nice day.

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.503 / Virus Database: 269.16.15/1174 - Release Date: 12/6/2007 10:11 AM

this message was remailed to you via: sale-493984474@craigslist.org

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

EXHIBIT E

Charles Jung

From: lax006 [lax006@mail.airchina.com.cn]
Sent: Thursday, January 17, 2008 10:53 AM
To: xiaobing_sun@yahoo.com
Subject: Air China

****ELECTRONIC TICKET PNR****

001 LAX001 361 1731 02JAN08 IK
1.SUN/XIAOBING(001) H0R4J
001 2. CA986 H MO21JAN SFOPEK HK1 1350 1800+1 E
NN(001) HK(001)
001 3.510-791-2196
001 4.T/9994477802377
001 5.SSR TKNE CA HK1 SFOPEK 986 H21JAN 9994477802377/3/P1
HK(001)
001 6.SSR OTHS CA PAX HLDN OPEN RTN TKT
001 7.LAX001

DETR:TN9994477802377
ISSUED BY: AIR CHINA ORG/DST: CAN/CAN ARL-I
E/R: NON-END/RER/REF800CNY/*HX72
TOUR CODE:
PASSENGER: SUN/XIAOBING
EXCH: CONJ TKT:
O FM:1CAN CA 1330 S 16NOV 0925 OK HLXEE6M /29MAR8 2PC USED/FLOWN
RL:F5TZH / BG:1/18K
O TO:2PEK CA 985 H 19NOV 1605 OK HLXEE6M /29MAR8 2PC USED/FLOWN
RT:F5TZH / BG:1/23K
O TO:3SFO CA 986 H 21JAN 1350 OK HLXEE6M /16MAY8 2PC OPEN FOR USE
RT:H0R4J /
O TO:4PEK CA OPEN S OPEN HLXEE6M /16MAY8 2PC OPEN FOR USE
RL:
TO: CAN

Let me know any questions you have.

Best Regards
Air China
Los Angeles Office

1/17/2008

THEY MUST GO WITH ME IN THE WHITE ROOM